

Compliance Planning for FY2021

Hosted by the Michigan Indigent Defense Commission Staff

March 31, 2020



- Marla McCowan – Director of Training, Outreach & Support
 - McCowanM@Michigan.gov or 517-388-6702 – direct, cell
- Rebecca Mack – Grant Manager – any financial questions
 - Mackr2@Michigan.gov
- MIDC OFFICE – 517-657-3066 or LARA-MIDC-Info@Michigan.gov

Goals for this webinar.

Who should watch this
webinar?

Is there a requirement to submit a compliance plan and cost analysis?

“...each indigent criminal defense system shall submit a plan to the MIDC for the provision of indigent criminal defense services in a manner as determined by the MIDC and **shall submit an annual plan** for the following state fiscal year on or before October 1 of each year. A plan submitted under this subsection must specifically address how the minimum standards established by the MIDC under this act will be met and must include a cost analysis for meeting those minimum standards...”

How does a funding unit
submit a compliance plan
and cost analysis?

https://michiganidc.gov/grants/

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FOR SYSTEMS: Please use this form [excel document] to report the FY19 balance in the indigent defense account as of September 30, 2019. The letter from the Michigan Indigent Defense Commission to the Michigan Judicial Branch regarding the FY19 balance in the indigent defense account as of September 30, 2019.

Commission Information | Policies & Reports | Standards | **Grants** | LE | Resources

NEW: FY 2021 Planning:

During the spring of 2020 the MIDC will begin accepting compliance plans and cost analyses from all trial court funding units in Michigan.

- The compliance plan form, updated for FY 2021 planning, can be found [here](#) [Word document].
- Use [this template](#) [Excel document] for the cost analysis and to identify attorneys eligible to accept adult indigent criminal case assignments in the system.
- The MIDC staff has prepared some [helpful tips in this checklist](#) [.pdf document].

Join the MIDC staff for a webinar to help with completing and submitting the FY 2021 compliance plan and cost analysis:

- Click here to register for the live interactive webinar to be held on **March 31, 2020 from 9:00 a.m. – 10:00 a.m. EST**
- Click here to register for the live interactive webinar to be held on **March 31, 2020 from 3:00 p.m. – 4:00 p.m. EST**

Note: the webinars will be identical in content and will be recorded and posted for later viewing on the MIDC's website. Attendees will receive a link to join the webinar the morning of the session.

Contact your [Regional Manager](#) for additional information, 517-657-3066.

Statutory Authority

The Michigan Indigent Defense Commission Act describes the distribution and receipt of grant funds in MCL 5780.993. The relevant provisions are as follows.

www.michiganidc.gov/grants

Has the planning form
changed from last year?



MICHIGAN INDIGENT DEFENSE COMMISSION

Compliance Plan for Indigent Defense Standards 1 – 4

INSTRUCTIONS

Local indigent defense systems have until **November 20, 2017**, to submit to the Michigan Indigent Defense Commission (MIDC) a plan for compliance with the first four approved minimum standards for indigent criminal defense services. This document includes instructions and a compliance plan structure for the submission and information on how to calculate your request for state funding. All application questions must be answered within the requirements, and all attachments and signatures included for a complete application. Failure to submit a complete application will result in the application being disapproved and returned, per MCL 780.993(4). Applications should be submitted through the MIDC's web portal at <http://portal.michiganidc.gov/>.

The application document includes the following sections: Applicant Information, Compliance Plan Narrative, Cost Analysis, Local Share Calculation, Data Collection, and Grant Calculation. The MIDC website, <http://michiganidc.gov>, hosts helpful information for compliance planning including additional guidelines, detailed white papers on each of the four standards and several model plans including sample cost analyses for different local indigent defense delivery systems.

Guidelines for the Cost Analysis and Local Share in the Compliance Plan

All proposed, estimated, or actual expenditures reported in either the Cost Analysis or the Local Share should be reflective of direct indigent defense system activities. For any funding requests for ancillary agencies, the claimed expense must be reasonably and directly related to the indigent defense function, with a clear justification and compelling rationale. The Local Share calculation – which acts as a baseline for continued funding unit contribution to the indigent defense system – may be reported as an estimate if the actual funding level cannot be calculated. If an estimate is provided for the Local Share, the methodology to calculate the estimate must be reported. All Local Share calculations must be certified by the authorizing official on the application. The following instructions provide general guidance for the Cost Analysis and, specifically, the enhanced costs to meet the provisions of the four standards. The costs, expenditures, and rates proposed are presumed reasonable; variations will be considered on a case-by-case basis.

MIDC FY20 COMPLIANCE PLAN AND COST ANALYSIS RENEWAL

Compliance Planning Costs

An indigent criminal defense system may submit to the MIDC an estimate of the cost of developing a plan and cost analysis for implementing the plan under MCL 780.993(2). Please attach documentation of planning time for FY20, if seeking reimbursement under this provision.

Are you submitting a worksheet for planning costs? ☐ Yes | ☐ No

If yes, do you have receipts showing that non-funding unit employees have been paid?
☐ Yes | ☐ No

Submitter Information

Funding Unit/System Name:

Submitted By (include name, title, email address and phone number):

Local Share

Please Note: Per MCL 780.983(j), the Local Share for your indigent defense system for FY 2020 will be indexed by 3% or the recent Urban Consumer Price Index (CPI), whichever is less. CPI for the most recent period is 2.2%; FY2020 requests should include Local Share funding enhanced by this factor.

Any change or corrections to your baseline local share calculation from FY19?

☐ Yes | ☐ No

If yes, please explain:

Submitter Information

Funding Unit(s)/System Name:

Submitted By (include name, title, email address and phone number):

Is this a FINAL SUBMISSION or DRAFT?

Date:

Signature: _____

Please identify the following points of contact (include name, title, email address and phone number):

Authorizing official who will sign the contract:

Mailing address for authorizing signatory _____

Primary point of contact for implementation and monitoring:

Financial point of contact:

Please identify any other person in the system from MIDC about compliance planning and reporting address:

Submitter Information

Funding Unit(s)/System Name:

Submitted By (include name, title, email address and phone number):

Is this a FINAL SUBMISSION or DRAFT?

Date:

Signature: _____

Please identify the following points of contact (include name, title, email address and phone number):

Authorizing official who will sign the contract:

Mailing address for authorizing signatory _____

Delivery System Model

What type of indigent defense delivery system do you have in 2020? (indicate all that apply):

- Public Defender Office (county employees)
- Public Defender Office (non-profit/vendor model)
- Managed Assigned Counsel System
Name of MAC Attorney Manager and P#:
- Assigned Counsel System
- Contract Defender System
- Other, please describe:

Are you planning to change the type of indigent defense delivery system uses?

Yes

No

Unsure

If yes, what model do you plan to use in FY21?



MICHIGAN INDIGENT
DEFENSE COMMISSION

DELIVERY SYSTEM REFORM MODELS

PLANNING IMPROVEMENTS IN PUBLIC DEFENSE

December 2016

MIDC FY21 COMPLIANCE PLAN AND COST ANALYSIS RENEWAL

Standard 1

Training of Attorneys

Number of attorneys as of October 1, 2020 _____

Please include in the cost analysis a list of all attorneys who accept adult criminal defense case assignments in your system, including conflict counsel and counsel for youths charged as adults.

Number of attorneys with less than 2 years of Michigan criminal defense experience as of October 1, 2020 _____

Any changes in your training plan from FY20? ☐ Yes | ☐ No

Please describe your plan, including any changes:

Any changes in your funding needs from FY20 for Standard 1? ☐ Yes | ☐ No

If yes, please describe:

Standard 2

Initial Client Interviews

How and when are defense attorneys notified of new assignments?

MIDC-FY21-cost-analysis-TEMPLATE [R]

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Conditional Formatting Table

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application budget attorney roster

READY

How are you verifying that in-custody attorney client interviews business days?

How are you verifying introductory communications from the attorney who are not in custody?

How are you compensating attorneys for initial interviews? Please

Any change in the initial interview procedure from your FY20 plan?

Please describe your policy:

Any change from your FY20 funding needs for initial interviews?

Please explain:

Confidential Meeting Spaces

How many confidential meeting spaces are in the jail?

Please explain or describe:

How many confidential meeting spaces are in the courthouse for *in-custody* attorney-client meetings?

Please explain or describe:

How many confidential meeting spaces are in the courthouse for *out-of-custody* attorney-client meetings?

Please explain or describe:

Any change from the FY20 plan for meeting spaces? ☐ Yes | ☐ No

Please explain or describe:

Any change in FY20 funding needs for meeting spaces? ☐ Yes | ☐ No

Please explain or describe:

Standard 3

Experts and Investigators

Describe your policy for attorneys to request expert witness assistance:

Any change in the process from FY20? ☐ Yes | ☐ No

If yes, please explain:

Submit all documents via email to LARA-MIDC-Info@michigan.gov and copy your
no later than May 31, 2020

MIDC FY21 COMPLIANCE PLAN AND COST ANALYSIS RENEWAL

Describe your policy for attorneys to request investigative assistance:

Any change in the process from FY20? ☐ Yes | ☐ No

If yes, please explain:

How are you tracking requests for experts and investigators by assignment?

Any change in your *funding needs* from FY20 for Standard 3? ☐ Yes

If yes, please explain:

0 - 499 cases/year = Tier I - \$10,000

500 - 999 cases/year = Tier II - \$25,000

1,000 – 9,999 cases/year = Tier III - \$50,000

Standard 3 - Expenses for investigators will be considered at hourly rates not to exceed \$75. Expenses for expert witnesses will follow a tiered level of compensation based on education level and type of expert,* not to exceed these amounts:

High School or Equivalent	\$30/hr
Associate's Degree	\$50/hr
Bachelor's Degree	\$70/hr
Master's Degree	\$85/hr
Crime Scene and Related Experts	\$100/hr
CPA/Financial Expert	\$100/hr
Pharmacy/PharmD	\$125/hr
Information Technology Experts	\$150/hr
Ph.D./Licensed Doctor	\$200/hr

MIDC FY21 COMPLIANCE PLAN AND COST ANALYSIS RENEWAL

Stand

Counsel at First Appearance and Other

How are you providing counsel at first appearance in the District Court? And in the Circuit Court (if applicable)?

How are you providing counsel at all other courts?

How are you calculating compensation for Standard 4?

Do you have a prison in your County? How is counsel provided to people charged with crimes while incarcerated in the prison? Do you seek reimbursement for the cost of counsel from the Michigan Department of Corrections?

Are there any misdemeanor cases where your court accepts pleas without the defendant appearing before a magistrate or a judge? For example, pleas by mail, over the counter pleas, etc. ☐ Yes | ☐ No

Please describe how counsel is offered under these circumstances:

Will there be any change from FY20 in this process? ☐ Yes | ☐ No

If yes, please explain:

Any change from FY20 in how you are paying attorneys for Standard 4? ☐ Yes | ☐ No

If yes, please explain:

Will there be any change from FY20 in your funding needs for this standard?

☐ Yes | ☐ No

If yes, please explain:

Personnel

In the cost analysis please provide detail about a unit. This should include DIRECT SERVICE PROVIDER Chief, Assistant Defenders, and staff of the defender as well as ANCILLARY STAFF (court clerks, sheriff employees, etc.)

For existing ANCILLARY STAFF are there any personnel reduced, or increased from FY20? ☐ Yes | ☐ No

If yes, please explain in cost analysis.

Any additional ANCILLARY STAFF positions/hours added?

If yes, please explain in cost analysis.

Any change from FY20 in fringe benefits? ☐ Yes

If yes, please explain in the cost analysis. This can include increases, increased premiums, etc.

Supplies & Other

Please list any supplies or equipment requested, and provide a brief explanation of need or use in FY21.

Supplies:

Equipment:

Case-related travel expenses (please include the system's policy for reimbursement):

Reimbursement Costs for Creating Plan

An indigent criminal defense system may submit to the MIDC an estimate of the cost of developing a plan and cost analysis for implementing the plan under MCL 780.993(2). Please attach documentation of planning time for FY21, if seeking reimbursement under this provision.

Are you submitting a request for reimbursement of planning costs? ☐ Yes | ☐ No

If yes, do you have receipts showing that non-funding unit employees have been paid?

☐ Yes | ☐ No

What is the amount you are seeking in reimbursement? \$ _____

Attachments Submitted

- ✓ Have you attached your FY21 cost analysis? ☐ Yes | ☐ No
- ✓ Did you include a list of the attorneys providing services with the cost analysis template? ☐ Yes | ☐ No
- ✓ If applicable, did you attach documentation supporting reimbursement for compliance planning? ☐ Yes | ☐ No

Has the cost analysis form
changed from last year?

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1	Indigent Defense System Cost Analysis															
2	Grant Year October 1, 2020 - September 2021															
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4	Funding Unit Name(s)															
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6	Personnel	Position	Calculation hours and rate	Total	State Grant	Local Share	Other Funding Sources	Total								
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15	Personnel Jusification - List all positions to be funded by the grant budget (state grant/local share). Please * highlight all positions that are new personnel requests for FY2021 and provide justification for need.															
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51	Contractual																
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53	Contracts for Attorneys	Services Provided	Calculation hours and rate	Total	State Grant	Local Share	Other Funding Sources	Total									
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61	Category Summary			0.00	0.00	0.00	0.00	0.00									
62	Contract Attorney Justification - list all possible rate scenarios for attorney contracts that apply (i.e. hourly, event based, annual contract paid monthly) and the type work whether generally indigent defense or specific like counsel at first appearance. Please * highlight rates or attorney line requests that are a change from your FY20 approved contract and contract rates.																
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72	Contracts for Experts and Investigators	Services Provided	Calculation hours and rate	Total	State Grant	Local Share	Other Funding Sources	Total									
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78	Category Summary			0.00	0.00	0.00	0.00	0.00									
79	Experts and Investigators Justification - Provide explanation and justification if there are changes to the requested amounts for experts and investigators from the FY20 approved contract along with an explanation if requesting to adjust the rates from your FY20's approved contract rates.																
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application budgetattorney roster

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Training/Travel	Vendor	Calculation	Total	State Grant	Local Share	Other Funding Sources	Total
Category Summary			0.00	0.00	0.00	0.00	0.00
Training and Travel Justification - Provide travel and training justification and *highlight new or changed requests for FY21 Suggested rates for training registration would be \$30/hour; SADO membership is \$50/year; NAPD membership is \$30/year							
Supplies/Services	Vendor	Calculation	Total	State Grant	Local Share	Other Funding Sources	Total
Category Summary			0.00	0.00	0.00	0.00	0.00
Supplies Justification - Provide justification for supplies requests and *highlight new or changed requests for FY21.							
Budget Total			0.00	0.00	0.00	0.00	0.00

application budgetattorney roster

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Note increased rates:

Registration for training is \$30/hr (previously \$25/hr)

NAPD membership is \$30/yr (previously \$20/yr)

MIDC-FY21-cost-analysis-TEMPLATE [Read-Only] - Excel

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Supplies/Services	Vendor	Calculation	Total	State Grant	Local Share	Other Funding Sources	Total
Category Summary				0.00	0.00	0.00	0.00
Supplies Justification - Provide justification for supplies requests and *highlight new or changed requests for FY21.							
Budget Total				0.00			

The funding unit only needs to include the total system cost at this time, there is no need to break down the state grant and local share.

application budget attorney roster

READY 110%

Tips from MIDC staff – available on the MIDC's website!



COMPLIANCE PLANNING FY2021

TOP TIPS FOR
COMPLETING THE
COMPLIANCE PLAN
AND
COST ANALYSIS
FROM
MIDC STAFF

CONTACT A
REGIONAL
MANAGER
517-657-3066

Do:

- Meet with your **Regional Manager** and other **stakeholders** to assess the needs of the local system.
- Check the MIDC's website, (the "Grants" tab) for **forms and instructions**.
- **Use the MIDC's forms** for the compliance plan, cost analysis, and attorney roster.
- **Type** the information in the format provided (.pdf or Excel spreadsheets), handwritten documents may be rejected by staff.
- Attach **mileage and travel** rates
- **Save and submit** the documents in the **original format(s) as separate documents** (.pdf or Excel) rather than printing and/or scanning for submission (this saves time if we need to make corrections like fixing typos or math errors).

Don't:

- "Round up" in your math – actual dollar amounts are necessary to evaluate the requests in the compliance plans.
- Leave out details about your plan. Documents are reviewed by many staff members and the full Commission. Some people may not be as familiar with what your system is trying to accomplish.

**Submit the plan and cost
analysis via email:**

LARA-MIDC-Info@Michigan.gov

Deadline: May 31, 2020

- Marla McCowan – Director of Training, Outreach & Support
 - McCowanM@Michigan.gov or 517-388-6702 – direct, cell
- Rebecca Mack – Grant Manager – any financial questions
 - Mackr2@Michigan.gov
- MIDC OFFICE – 517-657-3066 or LARA-MIDC-Info@Michigan.gov